

Minutes of the regular meeting of the Fairfax City Council on Tuesday, March 9, 2004, at 7:00 p.m., in Council Chambers at Fairfax City Hall.

**Members Present:**

Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter.

**Members Absent:**

None.

**Invocation.**

Councilman Rasmussen gave the invocation.

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**Pledge of Allegiance.**

The Mayor led the Council in the Pledge of Allegiance.

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**Presentations and proclamations.**

The Mayor presented a proclamation to Ms. Susan Culler, Red Cross Volunteer, designating March as Red Cross Month.

The Mayor announced that Providence Square Condominiums received a 2003 Honor Award from the Community Appearance Alliance of Northern Virginia for their distinguished contribution to community appearance.

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**Adoption of the agenda.**

Councilman Greenfield moved adoption of the agenda.

Councilman Rasmussen seconded the motion, which carried unanimously by voice vote. (Councilman Silverthorne was absent.)

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Councilman Silverthorne arrived at 7:05 p.m.

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**Presentations by the public on any item not subject to public hearing.**

Ms. Susan Langdon, 10837 Warwick Avenue, spoke about the Fairchester Woods traffic issues. She said she is a longtime member of the Fairchester Woods Civic Association, a member of the traffic committee set up by the civic association and a resident of the subdivision. She said she spent one year on the committee and they made twenty-six recommendations to City Council. She said that City Council decided to implement some of the measures last November for a ninety day trial period. She said they met in February to talk about the measures implemented but instead received six brand new measures that were not put forward by the civic association or traffic committee. She said the neighborhood requests police enforcement. She urged Council not to adopt the new measures brought up on February 26<sup>th</sup> and to stay with the original plan.

Mr. Dennis McNaughton, 3725 Warwick Circle, spoke about the Fairchester Woods traffic issues. He said he is a Fairchester Woods resident and requested that City Council approve items 1 through 6 from the February 26<sup>th</sup> revised traffic suggestions. He distributed a petition with forty-nine signatures requesting the same. He said they are requesting that City Council take action to ensure the police department enforces the current speed limits and stop signs. He noted that information on the staff report was incorrect. The staff report should state that it is not a recommendation of the civic association, and, the traffic plan is not widely supported by the residents of the neighborhood.

Ms. Laura L. Deburrr, 10830 Warwick Avenue, said she doesn't want the neighborhood littered with numerous traffic calming devices, signs and bumps. She said she has been a resident since 1986 and in years past there was more of a police presence. She said she is not for any additional measures.

Mr. Jerry O'Dell, 3920 Bradwater Street, spoke about the downtown redevelopment and portions of the Purchase Agreement. He said that the School Board and City Council debates should occur on the same night.

The Mayor said the downtown project is only two and three stories and the GDA requires the developer to pay for underground utilities on their property.

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### **Consent agenda.**

Councilman Greenfield moved adoption of the following consent agenda:

- Agenda item #6a, Consideration of a resolution to allow the City to recover cost outlay for the renovation or rebuilding of the Fairfax City Regional Library from long-term financing;
- Agenda item #6b, Consideration of the write off of delinquent personal property for 1998 and publication of the delinquent list of personal property and real estate; and
- Agenda item #6c, Introduction of an ordinance amending Section 102.31 of the Code of the City of Fairfax, Virginia to increase the water and sewer service rate by five percent.

And for agenda items #6a and b, he moved approval of the suggested motions in the staff reports, and for agenda item #6c, he moved to waive the first reading and set the public hearing for March 23, 2004.

Councilman Rasmussen seconded the motion.

The Mayor asked if anyone wished to abstain or object to any of the items and no one did.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

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**Public hearing and council action on an ordinance amending Article II, Chapter 66 of the Code of the City of Fairfax, Virginia pertaining to changes in the retirement plan for City employees.**

Councilmember Rasmussen said he has been advised by the City Attorney to excuse himself from the matter because he has a family member that has a potential involvement in this issue.

The public hearing was properly advertised in the March 4, 2004 issue of *The Washington Times*.

The Mayor opened the public hearing and hearing no response, he declared the public hearing closed.

Councilman Greenfield moved that the City Council approve the ordinance amending identified sections of Article II, Chapter 66 of the City Code pertaining to the retirement plan for General employees.

Mr. Silverthorne seconded the motion.

Councilwoman Lyon said she was the Council Representative to the Retirement Committee. She said this was a piece she disagreed with because of her philosophy that part-time people work part-time and full-time people give their lives to the City. She said she is concerned that the fund is very large now but later she cannot guarantee that it is a cost that will not come back to the City. She said she is also disappointed that the hours for the program is for ten hours or more for part-time and wished her colleagues would consider changing the time frame to twenty hours or more. She said she hoped her colleagues would consider if they do pass it at ten hours, that future councils could vote on an ordinance so that they too could participate.

Councilman Silverthorne thanked Councilwoman Lyon for her service on the Retirement Committee. He said he thought the proposal was a good compromise and was consistent with most jurisdictions.

The Mayor called for a vote on the motion, which carried by a voice vote of 4-1, recorded as follows: In favor, Councilmembers Cross, Greenfield, Silverthorne and Winter; opposed, Councilwoman Lyon. (Councilmember Rasmussen was absent for the vote.)

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**Closed meeting to discuss the disposition of certain real property for public purposes and consultation with legal counsel for legal advice.**

The Mayor moved that the City Council convene in a closed meeting pursuant to Section 2.2-3711.A.3 of the *Code of Virginia* to discuss disposition of certain real property for public purposes and Section 2.2-3711.A.7 of the *Code of Virginia* for consultation with legal counsel for legal advice.

Councilman Silverthorne seconded the motion, which carried by a vote of 6-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Silverthorne and Winter; opposed, none. (Councilman Rasmussen was out of the room for the vote but joined Council in the closed meeting.)

Council went into a closed meeting at 7:40 p.m., and reconvened the meeting at 9:00 p.m.

The Mayor said Council concluded its closed meeting to discuss disposition of certain real property for public purposes and for consultation with legal counsel for legal advice.

The Mayor moved that each member of Council certify that to the best of each Council member's knowledge, only public business matters lawfully exempted from the open meeting requirements in the Virginia Freedom of Information Act and only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

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**Consideration of a General Development Agreement between the City and Old Town Fairfax Village, LLC, a Virginia limited liability company, TC MidAtlantic Development, Inc., Walnut Street Development Company, and J. Donegan Company (the "Developers"), pertaining to the redevelopment of Old Town Fairfax.**

Councilwoman Cross moved that City Council approve the General Development Agreement subject to any additional minor changes required by the City Attorney and authorize the Mayor to execute it.

Councilwoman Lyon seconded the motion, which carried unanimously by voice vote.

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**Consideration of a Purchase Agreement between the City and Old Town Fairfax Village, LLC, a Virginia limited liability company, TC MidAtlantic Development, Inc., Walnut Street Development Company, and J. Donegan Company (the “Developers”), pertaining to the redevelopment of Old Town Fairfax.**

Councilwoman Cross moved that City Council approve the Purchase Agreement subject to any additional minor changes required by the City Attorney and authorize the Mayor to execute it.

Councilman Silverthorne seconded the motion.

Councilmember Winter moved to amend Section 3 of the Purchase Agreement to change the applicable dates for closing to on or before 12 months rather than 18 months.

Councilwoman Lyon seconded the motion to amend, which carried unanimously by voice vote.

The Mayor called for a vote on the main motion, which carried unanimously by voice vote.

The Mayor thanked the development team in the audience for their work and leadership. He said that Council is excited and looks forward to working with them on the development project.

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**Consideration of the Fiscal Year 2004-2005 real estate tax rate to be advertised.**

Councilwoman Lyon moved that Council advertise the proposed 2004 real estate tax rate of \$.92.

Councilman Greenfield seconded the motion.

The Mayor explained that the rate of \$.92 is the existing tax rate and the motion means at the end of the budget process the rate may be \$.92 but could be less than \$.92 cents. The motion means that Council cannot raise the tax above \$.92.

Councilman Silverthorne added that he realizes that assessments are up but he hopes to lower the tax rate offsetting the increased assessments. He encouraged citizens to call or email with their feedback.

Councilwoman Lyon echoed Councilman Silverthorne’s comments. She said she is in favor of cutting a few cents off the rate.

Councilman Silverthorne complimented the staff for the \$.92 proposal.

The Mayor called for a vote, which passed unanimously by voice vote.

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**Approval of minutes.**

Councilman Silverthorne moved approval of the December 9, 2003, February 10, 2004 and February 24, 2004 minutes.

Councilwoman Cross seconded the motion, which carried unanimously by voice vote.

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**Comments by City Council.**

Councilmember Winter commended the Arts Academy of Fairfax High School. She said she attended a performance the previous week and they put on a very good presentation. She said she hopes that they advertise future presentations more.

Councilwoman Lyon wished children good luck and get to bed early for the SOL testing scheduled for this week.

Councilman Greenfield said staff has returned with a cost of putting the City's website on City vehicles. He said the total cost including labor is \$1,400 for 200 or more vehicles. He asked council to instruct the City Manager to move forward with the project. There were no objections.

Councilman Silverthorne said the City website is excellent.

Councilman Silverthorne said he continues to receive feedback regarding the transition from analog to digital service. He thinks it is unfortunate that citizens do not have an option. He asked staff to continue to research and explore options for citizens.

The Mayor stated a letter was not sent to Cox Communications and was under the impression that Councilman Silverthorne would have the dialog.

Councilman Silverthorne said that he would be happy to communicate with Cox.

Councilman Silverthorne provided an update on the Bicentennial Celebration. He said they have begun to make progress and complimented Fran Chester, Bob Sisson, Mike Cadwallader and Leslie Herman for helping. He said they are exploring a first night type of approach. He said they have received great suggestions and they are working on the logo which will be presented on March 23<sup>rd</sup>.

Councilman Rasmussen asked citizens to contact Council on budget issues and also contact state representatives because if they cut revenue to the City, it will have an impact on City services.

The Mayor said the downtown project is a major initiative of City Council. He thanked the staff, councilmembers, the city attorney and development team for their team effort.

The Mayor thanked the staff and his colleagues for their leadership in completing the retirement plan issues. He said 90% of the plan represented the single biggest change to the retirement plan as an employee benefit since 1984. He said he believes the City of Fairfax employees are much better served.

The Mayor said he remembered when setting the tax rate was a difficult process. He said, thanks to the leadership of the City, they were able to set the rate but it is not the end of the discussion because they have a lot of work and extra meetings ahead. He said another important change made two years ago was to move up the mailing date of the assessments to several weeks before the budget process. He said there will be a budget outreach meeting on March 30<sup>th</sup> at Daniels Run Elementary School, work sessions with the City departments on March 16 and March 17 and approval of the budget on April 13, 2004.

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**Adjournment.**

The meeting adjourned at 9:25 p.m.

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Mayor

ATTEST:

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City Clerk